

ORDINANCE NO. 1679

**AN ORDINANCE AMENDING CHAPTER 27 OF THE REVISED
CODE OF THE VILLAGE OF FREEBURG, ST. CLAIR
COUNTY, ILLINOIS (Offenses – Division III. Fireworks)**

**BE IT ORDAINED BY THE VILLAGE PRESIDENT AND VILLAGE BOARD OF
TRUSTEES OF THE VILLAGE OF FREEBURG, ST. CLAIR COUNTY, ILLINOIS, THAT:**

**CHAPTER 27 - Offenses
Division III. Fireworks**

Delete the current Division III. Fireworks and replace with the following:

Section 27-9-11. DEFINITIONS.

(A) Definitions. The Village hereby adopts the definitions of the terms contained in the Pyrotechnic Use Act (425 ILCS 35/1 et seq.) and as promulgated in the corresponding rules of the Illinois Office of the State Fire Marshal (41 Ill. Admin. Code 235), including but not limited to the terms “consumer fireworks”, “consumer fireworks display”, “consumer operator”, “consumer retailer”, “display fireworks”, “flame effect”, “person” and “pyrotechnic display”. The term “novelty fireworks” is defined to include the following items that are not deemed “consumer fireworks” under the Pyrotechnic Use Act (425 ILCS 35/1 et seq.): snake or glow worm pellets; smoke devices; trick noisemakers known as “party poppers”, “booby traps”, “snappers”, “trick matches”, “cigarette loads” and “auto burglar alarms”; sparklers; toy pistols, toy canes, toy guns or other devices in which paper or plastic caps containing twenty-five hundredths grains or less of explosive compound are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for the explosion; and toy pistol paper or plastic caps that contain less than twenty hundredths grains of explosive mixture.

(B) Prohibition. Except as hereinafter provided, it shall be unlawful for any person, firm, co-partnership or corporation to knowingly possess, offer for sale, expose for sale, sell at retail, or use or explode any display fireworks, flame effects or consumer fireworks in the corporate Village limits.

(C) Requirements. All pyrotechnic displays in the corporate Village limits shall be allowed only by permit upon full compliance with the provisions of the Pyrotechnic Use Act (425 ILCS 35/1 et seq.) and as promulgated in the corresponding rules of the Illinois Office of the State Fire Marshal (41 Ill. Admin. Code 235), expressly adopted herein by the Village, and shall be in addition to any other operational or business permits and/or licenses required.

- (1) Pyrotechnic displays. Any person, firm, co-partnership or corporation shall file with the Village, an application for a permit authorizing a pyrotechnic display, not less than 30 days prior to the event, and shall remit a fee in full according to the below section. Each pyrotechnic display shall be conducted by a licensed lead pyrotechnic operator.
- (2) Pyrotechnic display fee: A fee of \$200.00 shall accompany the completed application for a public pyrotechnic display permit.

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- (3) Application. An application and the requirements contained herein must be completed, submitted and met for a pyrotechnic display permit prior to any permit being issued. The Village Clerk shall immediately forward a copy of the application to the Fire Chief of the jurisdiction in which the display will occur for further approval.
- (4) Fire Chief. A permit shall be issued only after the Fire Chief of the jurisdiction in which the display will occur, or his or her designee, has inspected the site and determined that the display can be performed in full compliance with the rules adopted by the State Fire Marshal, and that the display shall not be hazardous to property or endanger any person or persons. A permit shall be signed by the Fire Chief, or his or her designee, and must identify the lead pyrotechnic operator.
- (5) Completion. Upon completion of all required documentation, and approval by the Village and Fire Chief, the Village may issue a permit for the pyrotechnic display, which shall specifically state the individual/corporation authorized to conduct the permitted activity. Any such issued permit is not transferable.
- (6) Indemnification. Any person, firm, co-partnership or corporation issued a permit under this section agrees to indemnify the Village for any and all liability of any type arising from the operation of a pyrotechnic display, including but not limited to injury to persons or animals and any and all damage to any property real or personal, private or public. Further, the applicant seeking the pyrotechnic display permit must provide proof of liability insurance in a sum not less than \$1,000,000.00 to the Village Clerk.

Section 27-9-12: The sale of novelty fireworks is subject to the requirements of this section.

- (A) It shall be unlawful for a person to operate a temporary novelty fireworks' stand without obtaining both a business license and a temporary novelty fireworks' stand permit from the Village.
- (B) Any person, firm, co-partnership or corporation shall file with the Village, an application for a temporary novelty fireworks' stand permit not less than 30 days prior to the first day of sale. A temporary novelty fireworks' stand permit shall not be issued unless the applicant provides the Village proof that the applicant has a state license to sell novelty fireworks. An application and the requirements contained herein must be completed, submitted and met for a temporary novelty fireworks' stand permit prior to any permit being issued. The temporary novelty fireworks' stand application must be approved by both the Chief of Police and the Mayor. Retailers who operate year-round may sell novelty fireworks inside their premises without obtaining a Village permit.
- (C) The permit fee for a temporary novelty fireworks' stand shall be \$200.00. Any such issued permit is not transferable. Each temporary location where novelty fireworks are sold is required to obtain a temporary novelty fireworks' stand permit and is subject to the \$200.00 permit fee.

(D) Temporary novelty fireworks' stands shall only be allowed to operate from June 1st up to and through July 5th in the calendar year.


(E) Any person, firm, co-partnership or corporation issued a permit under this section agrees to indemnify the Village for any and all liability of any type arising from the operation of a temporary novelty fireworks' stand, including but not limited to injury to persons and any and all damage to any property real or personal, private or public. Further, the applicant seeking the temporary novelty fireworks' stand permit must provide proof of liability insurance in a sum not less than \$1,000,000 to the Village Clerk.

The ordinance becomes effective after its passage and publication as prescribed by law.

PASSED BY THE VILLAGE BOARD OF THE VILLAGE OF FREEBURG, ILLINOIS, ST. CLAIR COUNTY, AND APPROVED BY THE VILLAGE PRESIDENT THIS ____ DAY OF April, 2019.

AYES Trustee Michael (Mike) Keap _____
Trustee Denise Allen _____
Trustee Elizabeth Merkling _____
Trustee James Claies (Mike) _____
Trustee Robert Kasser (Bob) _____
Trustee Ramon Matchett Jr. _____
ABSENT _____ ABSTAIN _____

Approved this 1st day of April, 2019.



Seth E. Speiser
Village President

ATTEST:



Jerry Lynn Menard
Village Clerk

Approval as to Legal Form:

Village Attorney